PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference							
Aug-21260 WO	FOR FURTHER ACTION	See Form PCT/IPEA/416					
International application No.	International filing date (day/month/year)	Priority date (day/month/year)					
PCT/DE2004/000378	26.02.2004	24.03.2003					
International Patent Classification (IPC) or nati	onal classification and IPC						
Applicant MSA AUER GMBH							
This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.							
2. This REPORT consists of a total of							
3. This report is also accompanied by A	NNEXES, comprising:	· ·					
a. (sent to the applicant and	to the International Bureau) a total of 1	sheets, as follows:					
sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).							
sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental							
Box. b. (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s))							
, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).							
4. This report contains indications relating to the following items:							
Box No. I Basis of the	report						
Box No. II Priority							
Box No. III Non-establi	shment of opinion with regard to novelty, in	ventive step and industrial applicability					
Box No. IV Lack of uni	ty of invention						
Box No. VI Certain doc	ruments cited						
Box No. VII Certain def	ects in the international application						
Box No. VIII Certain obs	ervations on the international application						
Date of submission of the demand	Date of completion of	of this report					
Name and mailing address of the IPEA/EP	Authorized officer	Authorized officer					
Faccimile No.	Talanhana Na						

Translation

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/DE2004/000378

Box	No. I	Basis of the report				
1.		regard to the language, this report is based of	on the international application in the language in	which it was filed, unless otherwise		
	This report is based on translations from the original language into the following language which is the language of a translation furnished for the purposes of:					
		international search (Rule 12.3 and 23	3.1(b))			
		publication of the international application	ation (Rule 12.4)			
		international preliminary examination	(Rule 55.2 and/or 55.3)			
2.	With regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):					
		the international application as originally fil	led/furnished			
	\bowtie	the description:				
		pages 1-7		as originally filed/furnished		
		pages*	received by this Authority on			
		pages*	received by this Authority on			
	\boxtimes	the claims:				
		nos. 2-5		as originally filed/furnished		
		nos.*	as amended (togethe	r with any statement) under Article 19		
			received by this Authority on	25.10.2004 with the		
		nos.*				
	\boxtimes	the drawings:				
		sheets 1/1		as originally filed/furnished		
			received by this Authority on			
			received by this Authority on			
	П					
	a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.					
3.	ш	The amendments have resulted in the cance	ellation of:			
		the description, pages				
		the claims, nos.	· · · · · · · · · · · · · · · · · · ·			
	_	any table(s) related to sequence listing	3(1 3)/			
4.	Ш	they have been considered to go beyond the	ne of) the amendments annexed to this report and e disclosure as filed, as indicated in the Supplement	ntal Box (Rule 70.2(c)).		
		the claims, nos.				
		the sequence listing (specify):				
		any table(s) related to sequence listin	g (specify):			
*	If ite	m 4 applies, some or all of those sheets may	be marked "superseded."			

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

Box	No. V			rticle 35(2) with regard to novelty, inventive step or industrial applicability; pporting such statement		
1.	Statement	Charlons and Capita				
	Novelty	(N)	Claims	1-5	YES	
			Claims			
	Inventive step (IS) Claims		Claims		YES	
				1-5		
	Industria	al applicability (IA)				
				1-5		
			<u></u> .		_	
2.	Citations and explanations (Rule 70.7)					
	1.	In the pr	esent	report, reference is made to the		
		following	docu	ments:		
		D1: DE 1	01 20	775 A (MSA AUER GMBH)		
				er 2002 (2002-10-31).		
				, ,		
	2	INDEPENDE	NT CL	AIM 1		
	2.1	The prese	nt ap	plication fails to satisfy the		
		requirements of PCT Article 33(1) because the				
	subject matter of claim 1 does not involve an					
		inventive	step	(PCT Article 33(3)).		
		Document D1 discloses (the references in				
		parenthes	es ar	re to said document):		
		a wai	rnina	system for individuals working in		
			_	conditions (D1 title), said system		
				g a control unit (1) with a motion		
		_), a memory for recording events (7),		
				(3) and an alarm transmitter (3, 4),		
				ol unit (1) being equipped with a		
				(see D1, claim 4: "each of the		
		rece.	LVCI	(See DI) Claim 4. Each Of the		

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

individual units of the system being connected via a high frequency radio connection", and column 3, lines 7-13; the disclosure of the receiver is implicit for a radio connection; since a radio connection is provided in D1, a receiver must also - by implication - be present in unit 1) and functioning as a separate, base warning device that operates independently (D1, paragraph 12; a dedicated power supply can be available for the units and therefore unit 1 in D1 is separate and independent) to which it is possible to connect - optionally via a physical connection (bus 8) dependent upon the utilisation and cost requirements - a radio data transmitter (17) and/or a radio telephone (16) and/or, via a [radio] connection, a [radio] manometer (15) for a compressed air breathing apparatus and/or a [radio] measuring appliance for gas [and temperature] detection (12).

Claim 1 differs from D1 in that radio connections are available for the manometer and for the detection of gas, and in that a radio temperature-detection device is present.

The use of physical or radio connections (bus systems) is known from D1 (claim 4). A person skilled in the art would use either wireless or galvanic connections or a mixture of the two

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

dependent upon factors such as cost, without thereby being inventive. Furthermore, the measurement of gas temperatures is known from the prior art (see the present application, page 1, lines 24-27).

The features concerning a radio or physical connection and temperature measurement relate merely to a combination of a plurality of obvious possibilities from which a person skilled in the art would choose according to the circumstances, without inventive input, in order to solve the problem of interest.

3. DEPENDENT CLAIMS 2-5

Claims 2-5 contain no features which, combined with the features of any claim to which they refer, meet the PCT requirements for inventive step.